

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT W. FRAYER, JR.,

Plaintiff,

Case No. 20-cv-10682

Hon. Matthew F. Leitman

v.

NSF INTERNATIONAL,

Defendant.

**ORDER DIRECTING THE PARTIES TO MEET AND CONFER AND
SUBMIT PROPOSED REDACTIONS TO THE COURT**

On August 25, 2022, the Court issued an Opinion and Order granting Defendant NSF International’s motion for summary judgment. (*See* Op. and Order, ECF No. 40.) The Court issued the Opinion and Order under seal. (*See id.*) The Court did so because its Opinion and Order refers to a certain investigation undertaken by, and investigation report issued by, NSF. On September 1, 2021, the Court granted NSF’s motion to file that report under seal and to redact from NSF’s public filings references related to that report. (*See* Order, ECF No. 18.) The Court granted NSF’s motion to seal because it was persuaded that the report included propriety and confidential business information that was “related to the ‘core’ of NSF’s business practices.” (*Id.*, PageID.18.) The Court further determined that sealing the report would “protect the privacy interests of innocent third parties” (*i.e.*,

NSF's customers who entered into confidentiality provisions with NSF). (*Id.*) Under those circumstances, the Court concluded that sealing was appropriate. *See Shane Group, Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299, 305 (6th Cir. 2016).

The Court intends to file a public version of its Opinion and Order on the docket from which it will redact confidential and propriety business information related to NSF's investigative report, NSF's policies, and third parties. But the Court needs the parties' guidance on which portions of the Opinion and Order should be redacted. Accordingly, by no later than **September 8, 2022**, the Court directs the parties to (1) meet and confer to discuss which portions, if any, of the Court's Opinion and Order should be redacted in a public filing and (2) file, under seal, a proposed set of redactions. The Court will then review the parties' submission, make an appropriate set of redactions to its Opinion and Order, and file a redacted version of the Opinion and Order on the public docket.

IT IS SO ORDERED.

Dated: August 25, 2022

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 25, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126